

**State of Tennessee  
Board of Probation and Parole**



***Monitoring Tennessee's  
Sex Offenders  
Using Global  
Positioning Systems:  
A Follow-up Evaluation***



**STATE OF TENNESSEE  
BOARD OF PROBATION AND PAROLE  
404 JAMES ROBERTSON PARKWAY  
SUITE 1300  
NASHVILLE, TENNESSEE 37243  
Phone (615) 741-4543**

September 30, 2008

Mr. William D. Bradley, Budget Director  
Tennessee Department of Finance and Administration  
312 Eighth Avenue North  
Tennessee Tower, 16<sup>th</sup> Floor  
Nashville, Tennessee 37243

Dear Mr. Bradley,

Transmitted herewith is a follow-up report to the Tennessee Board of Probation and Parole's April 2007 project evaluation of Tennessee's Global Positioning System Pilot Project. Overall, BOPP concludes that GPS is a valuable tool in monitoring sex offenders and has provided useful information in their community supervision.

In the FY 08-09 budget, funding for both the statewide expansion of GPS monitoring for rape of a child offenders (Jessica's Law) totaling \$1,890,900, and the appropriation for operating costs, totaling \$1,235,000, were made non-recurring. Based on this follow-up evaluation, BOPP recommends the continuation of GPS as a supervision tool and respectfully requests that the program funding be restored to the agency's base budget.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles M. Traughber".

Charles M. Traughber, Chairman  
Tennessee Board of Probation and Parole

On Behalf of the following Board Members:

Mr. James H. Austin	Mrs. Patsy Bruce
Mr. Ronnie Cole	Ms. Lisa Jones
Mr. Yusuf Hakeem	Mr. Joe Hill

Cc: Mr. Mike Dedmon  
Mr. David Chaffin  
Mr. Dean Tays

Mr. Bo Irvin  
Mr. Gary Tullock  
Ms. Columba McHale

Ms. Jacquelyn Baker

## Introduction

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Governor Bredesen signed Senate Bill 2235/House Bill 2314 that took effect on July 1, 2007 authorizing the Board of Probation and Parole (hereinafter referred to as BOPP) to continuously monitor offenders convicted of rape of a child using global positioning systems (GPS) for the remainder of their life. This act has been referred to as “Jessica’s Law.” Since passage of this act, BOPP has made GPS monitoring a mandatory condition of community supervision for ALL offenders convicted of rape of a child, with the exception of those who are currently incapacitated.

The passage of Jessica’s Law expanded BOPP’s global positioning system pilot project to a statewide endeavor. Because the legislation expanded the project statewide, it had a fiscal impact on BOPP. Specifically, expansion of the project required additional positions and the associated costs that extended beyond prior project appropriations. A total of \$1,890,900 was added to BOPP’s base budget (funding a total of 46 positions) in fiscal year 2007-08. These dollars were in addition to the \$1,235,000 that was already part of BOPP’s base budget to fund the operational cost of GPS. The \$1,235,000 was added to the base budget in fiscal year 2004-05.

In the fiscal year 08-09 budget, funding for both the statewide expansion of GPS monitoring for rape of a child offenders (Jessica’s Law) totaling \$1,890,900, and the appropriation for operating costs, totaling \$1,235,000, were made non-recurring. BOPP requested a budgetary improvement (see Appendix A) to restore those dollars to recurring status in BOPP’s base budget for fiscal year 2009-2010. The 46 positions established with the Jessica’s Law appropriation have been filled and the new staff has successfully expanded the original GPS pilot project to a statewide monitoring program for those sex offenders with the highest risk to the public. The total requested includes the \$1,235,000 operational funding, the \$1,890,900 Jessica’s Law appropriation, and \$181,000, the cost of funding the three percent raise received since the appropriation was made (based on the position costs listed in the Department of Human Resource’s classification/compensation plan).

In reviewing the overall GPS supervision program, BOPP recommends the continuation of GPS as a supervision tool. A detailed analysis of the benefits and limitations associated with GPS monitoring follows.

## Background

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In July 2004, Governor Bredesen and the General Assembly enacted Tennessee Code Annotated § 40-39-301, the “Tennessee Serious and Violent and Sex Offender Monitoring Pilot Project Act,” authorizing the Tennessee Board of Probation and Parole (BOPP) to monitor sex offenders using global positioning systems (GPS) technology on a pilot basis. The statute specifically enables BOPP to use satellite-based monitoring as a mandatory condition of release for certain offenders, as deemed appropriate by BOPP.<sup>1</sup>

In conjunction with the criminal justice department at Middle Tennessee State University, BOPP published a detailed program evaluation of the GPS pilot project. The complete report can be accessed at: [http://state.tn.us/bopp/bopp\\_annual\\_reports.htm](http://state.tn.us/bopp/bopp_annual_reports.htm).

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<sup>1</sup> Tennessee Code Annotated § 40-39-303(a) and (c).

BOPP performed a qualitative assessment and reported that despite some limitations, GPS is a useful tool in monitoring sex offenders. In that evaluation, MTSU concluded that during the year of the pilot study, there were no statistically significant differences in the treatment and control groups in the number of violations, new charges, or in the number of days before the first violations. University researchers further indicated that the one-year pilot time period was not enough time to see a significant impact and recommended further analysis of the treatment and control groups over the next five years.

In July 2007, Jessica's Law authorized BOPP to continuously monitor offenders convicted of rape of a child using global positioning systems (GPS) for their lifetime. When the legislation passed, only offenders included in the treatment group of the pilot study were monitored using GPS; however, BOPP made GPS monitoring a mandatory condition of community supervision for ALL offenders convicted of rape of a child, with the exception of those who are currently incapacitated. The passage of Jessica's Law expanded BOPP's global positioning system pilot project to a statewide endeavor.

Under present law, the Board may also require any person convicted of a serious offense, sexual offense, or violent offense, or for such other offenders as the Board deems appropriate, to be enrolled in a satellite-based monitoring program for the full extent of such person's term of probation or parole. In addition to those offenders convicted of rape of a child, BOPP assesses all sex offenders using a validated risk assessment scale designed specifically for sexual offenders called STATIC 99 (see Appendix C). Each assessment results in a score predicting individual offenders' risk of re-offending. Funding currently allows BOPP to monitor approximately 400 offenders (distributed across the State), using GPS technology. BOPP monitors those offenders with the highest risk scores using GPS technology.

This report is a follow-up to the pilot evaluation performed by Middle Tennessee State University and the Tennessee Board of Probation and Parole in 2007. This report is not, however, a statistical comparison of the impact of GPS monitoring on separate treatment and control groups. When BOPP expanded the project to a statewide endeavor, the offenders in the treatment and control groups changed. Specifically, BOPP began GPS monitoring of some offenders convicted of rape of a child who were not on GPS during the pilot and conversely, some who scored low or low-to-medium risk levels that were monitored with GPS during the pilot were taken off GPS monitoring so that the equipment could be used with the medium-to-high and high-risk level offenders. BOPP is collecting data for all offenders for future analysis, but it is too soon since program expansion for statistical comparison. As such, this report presents qualitative information about the GPS monitoring program and some anecdotal information gleaned from experience using the technology.

## **Program Update**

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The Tennessee Board of Probation and Parole began statewide implementation of GPS monitoring on July 1, 2007. BOPP established a new division, the Programmed Supervision Unit (PSU), as part of this implementation, which supervises violent and sexual offenders. The PSU is a specialized unit comprised of Probation and Parole Officers trained specifically in best practices for supervising this particular offender population. Its program includes targeted treatment and Officers use close supervision tactics, including frequent contact with the offenders, their employers, families, treatment providers, and law enforcement. Offenders convicted of Rape of a Child, other serious violent felons, and/or sex offenders determined to be at high risk to re-offend are also monitored using GPS

technology. Officers are responsible for monitoring PSU offenders' compliance with applicable requirements, including all the provisions of the Sex Offender Registration law.

Due to the increased involvement with each offender, PSU Officers have significantly lower caseloads, with a target case size of one Officer for every 25 offenders. The PSU has a centralized statewide GPS Operation Center (GO Center) that is staffed and operated around the clock, triaging all GPS alerts to reduce field PSU Officer overtime. Each district has PSU Officers on call 24 hours a day, year-round, who conduct home visits and other fieldwork tasks, frequently after business hours, as well as on weekends and holidays.

**At the end of August 2008, the Programmed Supervision Unit supervised 2,241 offenders, with 393 offenders who are monitored using GPS.**

Since the PSU was established and the GPS program was implemented on a statewide basis, the PSU has supervised a total of 2,940 offenders, with a cumulative total of 947 using GPS technology.

<b>Programmed Supervision Unit Officers by District</b>	
<u>District</u>	<u>Number of PSU Officers</u>
District 1	7
District 2	13
District 3	14
District 4	10
District 5	11
District 6	11
District 7	11
District 8	11
<i>TOTAL</i>	88

**Exhibit 1: PSU Officers by District**

### *Offenders Convicted of Rape of a Child*

Since passage of Jessica's Law, BOPP has made GPS monitoring a mandatory condition of community supervision for ALL offenders convicted of rape of a child, with the exception of those who are currently incapacitated. As of August 31, 2008, BOPP is monitoring a total of 23 offenders convicted of rape of a child statewide using GPS technology. An additional 14 offenders convicted of rape of a child are currently incapacitated and not supervised with GPS technology. Specifically, incapacitation refers to offenders under non-ambulatory medical care, in-custody or detainee status, transferred out-of-state, or their supervision has been suspended by court or Board order.

### *Revocations for Sexual Offenses by Programmed Supervision Unit Offenders*

Since establishment of the Programmed Supervision Unit, seven offenders monitored by the PSU have had new sex-related offenses, but only three of those were monitored using GPS. Exhibit 2 enumerates the new sex offenses with the resolution. The GPS tracking data specifically revealed one of these new sex offenses and enabled Officers to track an offender's specific location while the offender was engaging in indecent exposure. Law enforcement assisted BOPP Officers in detaining the offender, whose case is currently awaiting a judicial hearing.

<b>Revocations for Sexual Offenses by Programmed Supervision Unit Offenders</b>			
<u>Charge</u>	<u>Offender on GPS</u>	<u>Crime GPS Revealed</u>	<u>Resolution</u>
Indecent exposure	Yes	Yes	Revoked, Pending Hearing
Prostitution	Yes	No	Revoked
Sexual Battery	No	No	Revoked
Indecent Exposure	No	No	Revoked
Sexual Exploitation of a Minor	No	No	Revoked then Reinstated
Aggravated Prostitution	No	No	Revoked then Reinstated
Rape	Yes	No	Revoked, in Prison

**Exhibit 2: Revocations for Sexual Offenses by Programmed Supervision Unit Offenders From July 2007 through August 2008**

## **Program Assessment**

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Regardless of available tools and technology such as GPS, the human supervision, monitoring, and interaction performed by BOPP Officers cannot be understated or replaced; BOPP Officers play the most critical role in monitoring offenders in the community and in public safety.

BOPP's GPS Officers have direct experience with GPS monitoring of offenders and can best describe the usefulness and limitations of the technology in supervising Tennessee's sex offenders. As such, in preparing this follow-up evaluation, Officers were asked to comment on their experience with GPS monitoring; including benefits, limitations, personal impact, impact on offenders, and suggestions for improving the GPS project. To elicit candid responses, Officers were insured the confidentiality of their responses, therefore responses are not attributed to individual Officers.

### *Benefits of GPS Monitoring*

GPS officers overwhelmingly reported that GPS is a positive supervision tool that provides them with greater information in offender supervision and that the technology enables closer monitoring of sex offenders. One GPS Officer commented, "the perception by the offender that their movements are being tracked has a tremendous impact, and that factor alone makes the whole system worthwhile. Beyond that, the ability to use GPS information to intervene in an acute crisis and to use tracking to discover patterns of behavior provides indispensable capability to the Field Officer."

BOPP has observed some specific examples of instances where GPS played an important role in uncovering inappropriate offender behavior or in some cases, clearing offenders' accused of inappropriate behavior. Some examples of cases where GPS has had a positive impact are listed below.

- One offender frequently advised BOPP Officers that he was going shopping with his mother. Officer suspicions led to tracking the offender via using GPS monitoring technology in near real-time to a Toys R Us store, where he was seen leaving with a teenage juvenile. Officers took digital photos and alerted local law enforcement.
- GPS data tracked an offender to the location of a rape. Law enforcement utilized the GPS tracking data to effect a new conviction. The offender is now serving life in prison.
- Another offender is currently in custody awaiting trial after GPS tracking data showed him at the location of a rape.
- The former victim accused an offender of repeated violations of an Order of Protection. GPS tracking data indicated the offender had not violated the Order of Protection by being in

prohibited locations as reported. The offender was cleared of the accusation based on the tracking data.

- Another offender was questioned as a rape suspect, but cleared by GPS tracking data, which again showed that the offender was not in the location where the rape occurred.
- GPS tracking data was used as evidence to show erratic and driving at high speeds just prior to an automobile accident involving a fatality, leading to a charge of vehicular homicide.
- An offender was contacted following a GPS alert call made to an Officer for a cuff leave (cuff leaves occur when the ankle transmitter has exceeded range from the personal tracking unit). The Officer instructed the offender to report immediately to the Probation and Parole Office. Officer questioning during the visit resulted in the offender admitting that he had attempted to hire a prostitute who stole his car, with his GPS tracking unit still inside. The Officer tracked GPS location data, and with cooperation with the Alabama State Police and the Fultondale Police Department, the unit was recovered and the alleged car thief was taken into custody. The car was allegedly stolen at 7:30 a.m. and the unit recovered at 12:30 p.m. the same day.
- An Officer's review of an offender's GPS tracking data revealed that the offender was repeatedly spending time in the same location. GPS mapping showed that the location was a parking lot of a shopping center. The Officer became suspicious due to the length of time the offender spent at the location and there was no indication that the offender had gone into a store in the shopping center. Officers arrived at the location and discovered the offender in the middle of committing acts of public lewdness outside a women's clothing store and a Department of Children's Services office. The offender was detained until law enforcement arrived and arrested him.
- GPS tracking data was used to locate an offender in the private residence of his girlfriend when her minor child was at home. Contact with children by this offender was prohibited, and upon discovery, the offender's out-of-state probation was revoked and he was returned to his home State to serve a prison sentence.
- Law enforcement officials were attempting to locate an offender charged with sexual battery who was not home. Using GPS tracking data, BOPP Officers were able to help law enforcement locate the offender at a nearby restaurant where he was apprehended. The case is still pending resolution.
- One Officer tracked an offender to his victim's residence that he was prohibited from going to. The offender is currently in jail on a pending violation.
- The United States Secret Service was investigating an offender in the passing of a counterfeit bill. Using GPS tracking data, BOPP Officers were able to place the offender at the location at the date and time that the counterfeit bill was passed.
- One Officer received notice that a GPS offender had a cuff leave, which occurs when the ankle transmitter has exceeded range from the personal tracking unit. Approximately 20 minutes after this cuff leave, a 911 call was made indicating the offender was beating on someone's door while intoxicated. GPS tracking data placed the offender at the location and the offender was eventually violated for noncompliance.

BOPP Officers found several benefits of using GPS technology to monitor sex offenders:

- Officers report that GPS allows them to monitor offenders' daily activities, including verifying the Offender attended treatment and offender schedules. One Officer reported, "There have been times when an offender is out past their curfew or has worked late and the tracking enables the Officer to verify their specific whereabouts during the time in question."
- Officers establish and monitor inclusion zones, which are locations where the offender must be at specific time periods, such as being at home at night and at work during the day. Exclusion

zones are established for places where offenders are not permitted to enter and are also monitored using tracking data.

- GPS allows Officers to see specific patterns of activity and then follow-up on frequently visited locations. For example, if an offender stops at the same location everyday after work, officers can determine what is at that location. One GPS Officer stated, “GPS has helped me see the patterns offenders follow in their day-to-day lives. It helps to let the Officer know if something different is going on with the offender, just by looking for changes in their day-to-day activities.”
- GPS may deter offenders from engaging in deviant or criminal activity. Officers are able to show offenders evidence that the officers know where the offenders have been. One GPS Officer reported, “Even those sex offenders not under GPS monitoring are aware that failure to comply or suspicious behavior on their part may result in GPS monitoring.”
- Officers can determine whether offenders have violated specific supervision requirements using GPS data. GPS can reveal when an offender has left the county or state without permission and allows Officers to consistently verify that offenders are maintaining specified curfews, rather than being limited to sporadic random post-curfew home visits. It can further alert officers when offenders are having contact with persons they are not permitted to see, or with other offenders.
- GPS tracking information allows Officers to work with law enforcement agencies to rule out or confirm alleged involvement in criminal activity. It may also provide officers with a basis for offender questioning.
- GPS data provides Officers with information to investigate and verify citizen claims of inappropriate offender activity.
- GPS technology provides Officers with evidence to present to the releasing authority (Judges or the Board of Probation and Parole) when an offender has violated his or her standards of supervision. Officers indicate that without GPS, violation investigations can be very time consuming, but GPS data is easy to gather and is often more reliable than witness statements.
- The web-based monitoring software allows Officers to determine whether or not an offender is at home before leaving the office to perform a visit. Officers do not waste a trip to the residence when the offender may not be at home. Additionally, officers do not have to call the offender before leaving the office, which means the offender does not have prior notice that the officer is making a visit.

### *Limitations of GPS Monitoring*

GPS provides Officers with a beneficial tool in monitoring some offenders. However, BOPP identified several limitations during the pilot project and has since worked to address the project limitations. Establishing the Programmed Supervision Unit and implementing a new staffing pattern for monitoring and responding to alerts has had the most substantial impact on program success.

Additionally, using the sex offender risk assessment tool has helped determine which offenders are in most need of GPS supervision. Research indicates that lower risk offenders who are supervised at enhanced levels re-offend more frequently and have overall higher recidivism rates than similar offenders supervised at lower risk levels.<sup>2</sup>

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<sup>2</sup> Christopher T. Lowenkamp and Edward J. Latessa, “Understanding the Risk Principle: How and Why Correctional Interventions can Harm Low-Risk Offenders, *Topics in Community Corrections, Annual Issue, 2004: Assessment Issues for Managers*, 2004, pp. 3-8.



Some limitations previously noted have persisted since statewide implementation:

- Although GPS Officer staffing has improved, Officers report that additional staff would assist with the growing numbers of sexual and violent offenders.
- GPS Officers are compensated no differently than regular case-carrying Probation and Parole Officers. Although GPS Officers have fewer offenders on their caseload, GPS is very time-intensive and Officers do have shifts where they are “on-call” to respond to alerts.
- Some Officers continue to report problems with GPS equipment and report spending considerable time troubleshooting and replacing malfunctioning equipment and responding to calls related to equipment failure rather than actual inappropriate activity.
- GPS supervision requires significantly more time and attention than sex offender monitoring without GPS. GPS technology provides officers with a significant amount of offender data to review on a daily basis.
- Officers frequently receive alerts during the night and law enforcement backup is not always available. Responding to alerts late at night presents a safety issue for Probation and Parole Officers, who are not armed.
- GPS is primarily a reactive tool, showing what happened in the past, as opposed to a proactive, crime prevention tool. According to Delson, “GPS is not a device that will prevent sexual crimes from occurring, however, but rather than a promising new technology whose goal is sex offender supervision, management, and control.”<sup>3</sup> One GPS Officer stated, “GPS can help an Officer determine that a sex offender is at home at night instead of prowling the streets looking for a new victim. But what if the victim is next door or a child already in the house? GPS cannot protect them; all it will allow me to do is to verify that the offender was in or near the area of a crime scene.”
- Some Judges and District Attorneys have been hesitant to accept GPS-based evidence of violations in court, due to offender allegations of technical problems with the GPS equipment.
- GPS monitoring is also problematic for the homeless, offenders living without electricity, or offenders living in shelters and/or group homes.
- Some indigent offenders cannot afford a landline telephone and/or live in areas with no cellular phone coverage.

## Conclusion and Recommendations

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Despite some limitations, the Tennessee Board of Probation and Parole values GPS as a tool in monitoring sex offenders. Based on its experience with GPS technology, the Tennessee Board of Probation and Parole recommends restoring staff and operational dollars to the agency’s base budget to continue the use of GPS technology as a tool in monitoring sex offenders. Although GPS technology alone will not prevent new offenses, when coupled with meaningful Officer supervision and sex offender-specific treatment programming, GPS can provide BOPP staff and law enforcement with important information in monitoring offenders. Ultimately, GPS is a tool that can help Probation and Parole Officers keep the public safe during an offenders’ community supervision.

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<sup>3</sup> N. Delson, “Using Global Positioning Systems (GPS) for Sex Offender Management,” *ATSA Forum*, Volume 18, Number 3, pp.24-30.

## Appendix A: GPS Budget Improvement Request



STATE OF TENNESSEE  
BOARD OF PROBATION AND PAROLE  
404 JAMES ROBERTSON PARKWAY, SUITE 1300  
NASHVILLE, TENNESSEE 37243-0850 (615) 741-1673

### Fiscal Year 2009-10 Budget Improvement Request

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#### Summary of Improvement Request

Board of Probation and Parole	\$ 3,306,900.00
Community Corrections	\$ 0
<b>Total Request</b>	<b>\$ 3,306,900.00</b>

<b>Board of Probation and Parole</b>	
Total Requested	\$ 3,306,900.00
Total Positions Requested	46
Salaries	\$ 1,380,800.00
Benefits	\$ 525,100.00
<i>Total Payroll</i>	<u>\$ 1,905,900.00</u>
Travel	\$ 34,000.00
Printing	\$ 3,100.00
Phone Lines	\$ 700.00
Maintenance	
Prof Services	\$ 1,235,000.00
Supplies	\$ 55,200.00
Rent	\$ 45,000.00
Training/Grants	\$ 17,200.00
Equipment	
Interdepartmental	\$ 10,800.00
<i>Total Operations</i>	<u>\$ 1,401,000 .00</u>
<b>Total Request</b>	<b><u>\$ 3,306,900.00</u></b>

Priority 1

Field Services  
Cost Center 40

Purpose: GPS/ Jessica's Law
Position Title: <b>Probation/Parole Officer 2</b>
Salary Grade: 22
Requested: 23
Position Title: <b>Probation/Parole Officer 3</b>
Salary Grade: 24
Requested: 13
Position Title: <b>Probation/Parole Manager 1</b>
Salary Grade: 25
Requested: 1
Position Title: <b>Probation/Parole Asst Field Dir</b>
Salary Grade: 33
Requested: 1
Position Title: <b>Probation/Parole Program Spec</b>
Salary Grade: 25
Requested: 1
Position Title: <b>Correctional Program Director 1</b>
Salary Grade 30
Requested: 1
Position Title: <b>Human Resources Technician 2</b>
Salary Grade: 16
Requested: 2
Position Title: <b>Accounting Technician 1</b>
Salary Grade: 17
Requested: 1
Position Title: <b>Accounting Technician 2</b>
Salary Grade: 20
Requested: 1
Position Title: <b>Administrative Services Assistant 3</b>
Salary Grade 22
Requested: 1
Position Title: <b>Info Resource Support Spec 4</b>
Salary Grade 900
Requested: 1

Salaries	\$1,380,800.00
Benefits	\$525,100.00
<i>Total Positions</i>	<b><u>46</u></b>
<i>Total Payroll</i>	<b><u>\$1,905,900.00</u></b>
Travel	\$34,000.00
Printing	3,100.00
Comm.	700.00
Maintenance	
Prof Services	1,235,000.00
Supplies	55,200.00
Rent	45,000.00
Training/Grants	17,200.00
Equipment	
Interdepartmental	10,800.00
<i>Total Operations</i>	<b><u>\$1,401,000.00</u></b>
<b>Total Estimated Cost</b>	<b><u>\$3,306,900.00</u></b>

*Strategic Planning:*

- Through FY 2013, the Board of Probation and Parole will maintain an employee turnover rate of no more than 8%.
- Through FY 2013, the Board of Probation and Parole will improve the offender success rate by decreasing the percentage of probationers and parolees whose supervision is revoked by 10% to 10.3 %.
- By FY 2013, the Board of Probation and Parole will manage caseloads by increasing the successful offenders reclassified to lower risk levels by ten percent to 9.8 % (discounting offenders moved off of "intake" supervision level).
- By FY 2012, the Board of Probation and Parole will reduce the number of grant hearings administratively continued by 15% to 5.1%.
- By FY 2012, the Board of Probation and Parole will gather baseline data from six stakeholder groups regarding their satisfaction with our level of service.

### *Performance Measures:*

- Percent of turnover for all Board of Probation and Parole employees, including voluntary and involuntary separations and retirements.
- Percent of total offender population (both probationers and parolees) whose community supervision status is revoked during the fiscal year (not including offenders in the Community Corrections Program).
- Percent of total offender population (both probationers and parolees) that are reclassified to a lower risk level after exhibiting successful behavior.
- Percent of all initial parole, parole review, rescission (pre-parole), and custodial hearings that are continued for administrative reasons.
- Number of stakeholder groups for whom baseline data has been collected.

### *Statutory Requirements:*

#### ➤ **40-28-101: Purpose — Application to clemency powers.**

(a) The purpose of this chapter is to provide a system of probation and parole to be liberally construed to the end that the **treatment of persons** convicted of crime **shall take into consideration their individual characteristics, circumstances, needs and potentialities as revealed by a case study** and that such persons shall be dealt with in the community by a **uniformly organized system** of constructive rehabilitation under probation supervision instead of in correctional institutions or under parole supervision when a period of institutional treatment has been deemed essential whenever it appears desirable in the lights of the needs of public safety and their own welfare.

#### ➤ **40-28-111. Duties of probation and parole officers**

(a) The duties of probation and parole officers shall be to supervise, investigate and check on the conduct, behavior and progress of parolees assigned to them for supervision and shall make to the board a report of the investigations, and shall perform other duties and functions as the regulations of the board may direct

(b) The duties of probation and parole officers shall be to supervise and investigate the conduct and behavior of persons placed on probation by the courts or pursuant to § [40-35-501](#)(a)(3) and to perform other duties and functions as the regulations of the board may direct

#### ➤ **40-39, Part 3: Sex Offender Registration and Monitoring**

##### • **40-39-301: Part Definitions**

(1) “Serious offender” means any person who is convicted in the State of Tennessee, on or after July 1, 2004, of any offense which may cause “serious bodily injury” as defined in § [39-11-106](#)(a)(34). “Serious offender” includes any person who is convicted in any other jurisdiction of any offense that would constitute a serious offense as defined in this part. “Serious offender” also includes any person who has been released on probation or parole following a conviction for any serious offense, as defined in this part, to the extent that the person continues to be subject to active supervision by the board of probation and parole;

(2) “Sexual offense” means any of the crimes enumerated in § [40-39-202](#)(16), including specifically:

(A) The commission of any act that constitutes the criminal offense of:

- (i) Aggravated rape, under § [39-13-502](#);
- (ii) Rape, under § [39-13-503](#);
- (iii) Aggravated sexual battery, under § [39-13-504](#);
- (iv) Sexual battery, under § [39-13-505](#);
- (v) Statutory rape, under § [39-13-506](#);
- (vi) Sexual exploitation of a minor, under § [39-17-1003](#);
- (vii) Aggravated sexual exploitation of a minor, under § [39-17-1004](#);
- (viii) Especially aggravated sexual exploitation of a minor, under § [39-17-1005](#);
- (ix) Incest, under § [39-15-302](#);
- (x) Rape of a child, under § [39-13-522](#);
- (xi) Sexual battery by an authority figure, under § [39-13-527](#);
- (xii) Solicitation of a minor, under § [39-13-528](#);

(B) Criminal attempt, under § [39-12-101](#), solicitation, under § [39-12-102](#), or conspiracy, under § [39-12-103](#), to commit any of the offenses enumerated within this subdivision (2); or

(C) Criminal responsibility under § [39-11-402](#)(2) for facilitating the commission under § [39-11-403](#) of, or being an accessory after the fact under, § [39-11-411](#) to any of the offenses enumerated in this subdivision (2); and

(3) “Violent sexual offender” means any person who is convicted in the State of Tennessee, on or after July 1, 2004, of any sexual offense, as defined in subdivision (2) or § [40-39-202](#); or any person who is convicted in any other jurisdiction of any offense that would constitute a sexual offense in Tennessee. “Violent sexual offender” also includes any person who has been released on probation or parole following a conviction for any sexual offense, as defined in subdivision (2), to the extent that the person continues to be subject to active supervision by the board of probation and parole as defined in law. For the purposes of this section, “violent sexual offender” may include offenders whose sexual offense was reduced by virtue of a plea agreement.

• **40-39-302. Establishment of program — Promulgation of guidelines — Duties.**

(a) The board of probation and parole is authorized to establish a serious offender and violent sexual offender-monitoring program and to promulgate guidelines governing it, consistent with the provisions of this part.

(b) The board shall carry out the following duties:

(1) By December 31, 2004, in consultation with all participating state and local law enforcement, the board shall develop implementing guidelines for the continuous satellite-based monitoring of serious offenders and violent sexual offenders. The system may provide:

(A) Time-correlated and continuous tracking of the geographic location of the subject using a global positioning system based on satellite and other location tracking technology;

(B) Reporting of subject's violations of prescriptive and proscriptive schedule or location requirements. Frequency of reporting may range from once-a-day (passive) to near real-time (active); and

(C) An automated system that provides local and state law enforcement with alerts to compare the geographic positions of monitored subjects with reported crime incidents and whether the subject was at or near the reported crime incidents. These alerts will enable authorities to include or exclude monitored subjects from an ongoing investigation.

(2) Prior to June 30, 2005, the board of probation and parole shall contract with a single vendor for the hardware services needed to monitor subject offenders and correlate their movements to reported crime incidents using a system meeting the requirements described in subdivision (b)(1)(C).

(3) The board's contract with this vendor may provide for services necessary to implement or facilitate any of the provisions of this part including the collection and disposition of the charges and fees provided for in this part and § [40-28-201](#)(a)(2) and to allow for the reasonable cost of collection of the proceeds.

(4) On or before April 1, 2006, the board shall make a report to a joint meeting of the judiciary committee of the senate and the House of Representatives and the joint oversight committee on correction regarding the implementation of this part, and the results of the programs created by this part.

• **40-39-303: Enrollment in satellite-based monitoring programs as mandatory condition of release. —**

(a) Notwithstanding any other provision of law, the board of probation and parole may require, as a mandatory condition of release for any person convicted of a sexual offense as defined in § [40-39-301](#)(2), that any person so released under its supervision be enrolled in a satellite-based monitoring program for the full extent of the person's term of probation or parole, consistent with the requirements of § [40-39-302](#).

(b) The board of probation and parole may require, as a mandatory condition of release for any person convicted of a serious offense as defined in this chapter or for other offenders as the board deems appropriate, that the person be enrolled in a satellite-based monitoring program for the full extent of the person's term of probation or parole, consistent with the requirements of § [40-39-302](#).

(c) Offender participation in a location tracking and crime correlation based monitoring and supervision program under this section shall be at the sole discretion of the board and shall conform to the participant payment requirements stated in § [40-39-305](#), and be based upon the person's ability to pay.

➤ **39-13-522: Rape of a child.**

(a) Rape of a child is the unlawful sexual penetration of a victim by the defendant or the defendant by a victim, if the victim is more than three (3) years of age but less than thirteen (13) years of age.

(b) (1) **Rape** of a child is a Class A felony.

(2) (A) **Notwithstanding** title 40, chapter 35, a person convicted of a first or subsequent violation of this section shall be punished by a minimum period of imprisonment of twenty-five (25) years. The sentence imposed upon any such person may, if appropriate, exceed twenty-five (25) years, but in no case shall it be less than the minimum period of twenty-five (25) years.

(B) Section [39-13-525](#)(a) shall not apply to a person sentenced under this subdivision (b)(2)

(C) Notwithstanding any law to the contrary, the board of probation and parole may require, as a mandatory condition of supervision for any person convicted under this section, that the person be enrolled in a satellite-based monitoring program for the full extent of the person's term of supervision consistent with the requirements of § [40-39-302](#)

*Justification:*

Governor Bredesen signed Senate Bill 2235/House Bill 2314 that took effect on July 1, 2007 authorizing BOPP to continuously monitor offenders convicted of rape of a child using global positioning systems (GPS) for the remainder of their life. This act has been referred to as “Jessica’s Law.” Since passage of this act, BOPP has made GPS monitoring a mandatory condition of community supervision for ALL offenders convicted of rape of a child, with the exception of those who are currently incapacitated.

Under present law, the Board may also require any person convicted of a serious offense, sexual offense, or violent offense, or for such other offenders as the Board deems appropriate, to be enrolled in a satellite-based monitoring program for the full extent of such person's term of probation or parole. In addition to those offenders convicted of rape of a child, BOPP assesses all sex offenders using a validated risk assessment scale designed specifically for sexual offenders called STATIC 99. Each assessment results in a score predicting individual offenders’ risk of re-offending. Funding currently allows BOPP to monitor approximately 400 offenders (distributed across the State), using GPS technology. BOPP monitors those offenders with the highest risk scores using GPS technology.

The passage of Jessica’s Law expanded BOPP’s global positioning system pilot project to a statewide endeavor. Because the legislation expanded the project statewide it had a fiscal impact on BOPP. Specifically, expansion of the project required additional positions and the associated costs that extended beyond prior project appropriations. A total of \$1,890,900 was added to BOPP’s base budget (funding a total of 46 new positions) in FY 07-08. These dollars were in addition to the \$1,235,000 that was already part of BOPP’s base budget to fund the operational cost of GPS. The \$1,235,000 was added to the base budget in FY 04-05.

In the FY 08-09 budget, funding for both the statewide expansion of GPS monitoring for rape of a child offenders (Jessica’s Law) totaling \$1,890,900, and the appropriation for operating costs, totaling \$1,235,000, were made non-recurring. The present improvement request is to restore those dollars to recurring status in BOPP’s base budget. The 46 positions established with the Jessica’s Law appropriation have been filled and the new staff have successfully expanded the original GPS pilot project to a statewide monitoring program for those sex offenders with the highest risk to the public. **The total requested includes the \$1,235,000 operational funding, the \$1,890,900 Jessica’s Law appropriation, and \$181,000, the cost of funding the three percent raise received since the appropriation was made (based on the position costs listed in the Department of Human Resource’s classification/compensation plan).**

In reviewing the overall GPS supervision program, BOPP recommends the continuation of GPS as a supervision tool. BOPP will release a detailed follow-up assessment of the GPS monitoring program. Officers overwhelmingly support the program BOPP has seen some specific examples of instances where GPS played an important role in uncovering inappropriate offender behavior, or in some cases clearing offenders accused of inappropriate behavior. Some examples of cases where GPS has had a positive impact are listed below.

- Offender frequently advised that he was going shopping with his mother. Officer suspicions led to tracking the offender via using GPS monitoring technology in near real-time to a Toys R Us store, where he was seen leaving with a teenage juvenile. Officers took digital photos and alerted local law enforcement.
- Offender was accused by the victim of repeated violation of an order of protection. The Offender was cleared through GPS tracking data, which showed that he had not been in the locations as reported.
- Another offender was questioned as a rape suspect, but cleared by GPS tracking data; which again showed that the offender was not in the location where the rape occurred.
- GPS tracking data was used as evidence to show erratic and driving at high speed just prior to an auto accident involving a fatality, leading to a charge of vehicular homicide.
- An offender was contacted following a GPS alert call made to an Officer for a cuff leave. The Officer instructed the offender to report immediately to the Probation/Parole Office. Officer questioning during the visit resulted in the offender admitting that he had attempted to hire a prostitute who stole his car, with his GPS tracking unit still inside. The Officer looked at GPS tracking data, and with cooperation with the Alabama State Police and Fultondale Police Department, the unit was recovered and the alleged car thief was taken into custody. The car was allegedly stolen at 7:30 am and the unit recovered at 12:30 PM the same day.
- An Officer's review of offender's GPS tracking data revealed that the offender was repeatedly spending time in the same location. GPS mapping showed that the location was a parking lot of a shopping center. The Officer became suspicious due to the length of time of the stops and no indication of actually going into a store. Officers arrived at the location and discovered the offender in the middle of committing public lewdness outside a women's clothing store and a Department of Children's Services office. The offender was detained until law enforcement arrived and arrested him.

### *Personnel*

Because the legislation expanded the program statewide, funding for 46 new positions was appropriated to establish a project infrastructure. Additionally, the expansion required additional operational costs as well as equipment needs. The assumptions used are listed below. To fully implement the Jessica's Law legislation, BOPP had to divert some regular case-carrying Officers to the GPS program. At this time, BOPP established a specialized unit called the Programmed Supervision Unit to focus in the use of GPS and in monitoring high-risk offenders during their community supervision. This unit has lower caseloads so that they are able to spend more time with these higher-risk offenders in an effort to keep the public safe.

### *Probation and Parole Assistant Field Services Director: Central Office*

The size of the statewide program dictated the need for a new section within the Field Services Division to oversee all GPS monitoring. It required an Assistant State Director to properly manage all

GPS staff and issues that arise related to monitoring, equipment, and technology. The costs include benefits, travel, supplies, and training.

*GPS Program Management: Central Office*

BOPP had a Program Director who served as the GPS Program Director, as well as the contract specialist for the agency. The expansion required making these two separate positions. Additionally, the expansion required a Probation and Parole Program Specialist and Administrative Services Assistant to assist in managing the statewide GPS program. The costs include benefits, travel, supplies, and training.

*GPS Supervisory Positions: Probation and Parole Manager 1 and Probation and Parole Officer 3*

To expand the program statewide, BOPP needed a supervisory position for each District office to coordinate the program and supervise all GPS-related staff. BOPP assumes a ratio of one PPM for every ten Officers. The PPM's will not carry caseloads. Additionally, BOPP needed Probation and Parole Officer 3 positions to assist with supervising the programs in each District Office. The PPO3 positions carry GPS caseloads and have a ratio of one PPO 3 for every five Officers they supervise. The costs include benefits, travel, supplies, safety equipment (one-time), office space and training.

*GPS Operations Center Positions: Probation and Parole Officer 2 and 3*

The GPS Operations Center (GO Center) is located in our District 4 Office in Nashville. The GO Center is operational 24 hours per day, 7 days a week. The staff receive all GPS alerts and either respond to them (by calling the offender and settling the alert), or dispatch the assigned case Officer. Statewide expansion required additional positions for the GO Center. GO Center position needs are calculated assuming one GO Center staff for every 50 offenders. The costs include benefits, travel, supplies, safety equipment (one-time), office space and training.

*Case Officer Positions: Probation and Parole Officer 2 and 3*

The GPS Operations Center is located in our District 4 Office in Nashville. Prior to expansion, it was staffed by four Probation and Parole Officer 2 positions and two Probation and Parole Officer 3 positions. These positions were normal case carrying positions that were taken for the GPS project. Expansion required replacement of those original case carrying Officer positions. The costs include benefits, travel, supplies, safety equipment (one-time), and training. The costs of these positions do not include office space because their office space was funded at the original creation of the positions.

*GPS Case Officer Positions: Probation and Parole Officer 2 and 3*

The legislation added a number of cases to BOPP's existing caseload, requiring new Officer positions. BOPP consulted with other states that have GPS programs and assessed the workloads of Tennessee GPS Officers over the past year during the pilot project. Research indicates that ideally, GPS caseloads should range from one Officer for every 20 to 25 offenders. BOPP calculated a 1:25 caseload ratio for GPS Officers.

*Account Staff, Division of Fiscal Services; Personnel Staff, Human Resources Division; and Information Systems Staff, Information Systems Division, Central Office*

The legislation added approximately 41 new employees to the Field Services Division of BOPP. As such, The Fiscal Services Division needed one Account Technician position and one Account Clerk position to handle the increased administrative responsibilities (such as travel claims). The Human Resources Division needed one Personnel Analyst position and one Personnel Technician position to handle the increased administrative responsibilities (such as payroll, insurance, and time and attendance). BOPP needed one additional Information Resource Support Specialist 4 position to



support these additional new positions. This includes staffing the BOPP Help Desk and assisting in fixing staff's computer problems, as well as replacing hardware and software.

### *Operational Costs*

The Jessica's Law appropriation funded operational costs at a rate of \$7.00 per day for each offender, totaling \$2,555 annually for equipment leasing from the vendor. This was in addition to the \$1,235,000 added in FY 04-05, which is part of BOPP's base operational budget, for project continuation. This cost (\$7.00 per day) is based on the rate established in BOPP's current contractual agreement with the vendor.





State of Tennessee  
BOARD OF PROBATION AND PAROLE  
FIELD SERVICES DIVISION

**GLOBAL POSITIONING SYSTEM  
MONITORING RULES**



I \_\_\_\_\_ understand that the Board of Probation and Parole and State of Tennessee are not liable for any damages incurred as a result of my being placed on GPS Monitoring or tampering of the monitoring device. Any and all damages that may result from participating in GPS Monitoring or the use of or tampering of the monitoring equipment are solely my responsibility and I do hereby indemnify and hold those above referenced individuals and agencies harmless from any loss associated herewith.

\_\_\_\_\_  
Offender Initials

I understand that I am to abide by the law of the State of Tennessee as found in TCA Section 40-39-304, which states: (a) Intentional tampering with, removal of, or vandalism to a device issued pursuant to a location tracking and crime correlation based monitoring and supervision program described in Section 40-39-302 by a person duly enrolled in such a program is a Class A misdemeanor for the first offense, punishable by confinement in the county jail for not less than one hundred eighty (180) days. The minimum one hundred eighty-day sentence provided for this Class A misdemeanor offense is mandatory, and no person committing such offense shall be eligible for suspension of sentence, diversion, or probation until the minimum sentence is served in its entirety. A second or subsequent violation under this section is a Class E felony. Additionally, if the person violating this section is on probation, parole, or any other alternative to incarceration, then the violation shall also constitute sufficient grounds for immediate revocation of probation, parole, or other alternative to incarceration. Any violation of this section shall result in the imposition of the mandatory release condition specified in Section 40-39-303(a) and (b).

\_\_\_\_\_  
Offender Initials

I understand that I will be held criminally and civilly liable for any damage to the equipment placed on me or in my home that exceeds normal wear and tear. This includes loss of the equipment.  
I understand I am to follow the above rules and conditions of GPS monitoring and that any violation of these conditions may result in a violation and possible revocation and conviction and incarceration as stated above.

\_\_\_\_\_  
Offender's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Offender's Assigned Probation/Parole Officer

\_\_\_\_\_  
Date

Monitoring equipment returned on: \_\_\_\_\_  
Date

Condition of equipment: ☐ Excellent ☐ Good ☐ Poor

\_\_\_\_\_  
Offender's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Offender's Assigned Probation/Parole Officer

\_\_\_\_\_  
Date

## Appendix C: BOPP Static 99 Coding Form



State of Tennessee  
**BOARD OF PROBATION AND PAROLE**  
**DIVISION OF FIELD SERVICES**  
**STATIC-99 Coding Form**



Name  TOMIS ID  Rater  Date

Question Number	Risk Factor	Codes	Score
1	Young (S9909)		
2	Ever Lived With (S9910)	Ever lived with lover for at least two years?	
3	Index non-sexual violence- Any Convictions (S9904)		
4	Prior non-sexual violence- Any Convictions (S9905)		
5	Prior Sex Offenses (S9901)	Charges                      Convictions	
6	Prior sentencing dates (excluding index) (S9902)		
7	Any convictions for non-contact sex offenses (S9903)		
8	Any Unrelated Victims (S9906)		
9	Any Stranger Victims (S9907)		
10	Any Male Victims (S9908)		
	<b>Total Score</b>	<b>Scores are automatically added up from individual risk factors</b>	

### TRANSLATING STATIC 99 SCORES INTO RISK CATEGORIES

Score	Label for Risk Category
0,1	Low
2,3	Moderate-Low
4,5	Moderate-High
6 plus	High

Source: STATIC-99 Coding Rules Revised-2003 Andrew Harris, Amy Phenix, R. Karl Hanson, & David Thorton. Reproduced with the permission of the Minister of Public Works and Government Services, [2007].